

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Francis Harold Ford,

Plaintiff,

v.

Fred C Warneka et al.,

Defendants.

CASE NO. 3:18-cv-05732-BHS-JRC

REPORT AND
RECOMMENDATION

NOTED FOR: JUNE 28, 2019

The District Court has referred this action filed under 42 U.S.C. § 1983 to United States Magistrate Judge J. Richard Creatura. Plaintiff Francis Harold Ford, proceeding *pro se*, initiated this civil rights action on September 6, 2018. *See* Dkt. 1.

On September 26, 2018, the Court screened plaintiff's complaint and found that plaintiff failed to state a claim under § 1983. *See* Dkt. 4. The Court ordered plaintiff to show cause why the complaint should not be dismissed by October 26, 2018. *Id.* Because it was unclear if plaintiff would be able to cure the deficiencies in his complaint, the Court declined to rule on plaintiff's motion to proceed *in forma pauperis* ("IFP") until after an amended complaint had

1 been filed. Dkt. 4. The Court warned plaintiff that failure to respond to the order would result in
2 the Court recommending dismissal of this action pursuant to 28 U.S.C. § 1915. *Id.*

3 On October 29, 2018, the Court granted plaintiff's request for an extension of time to
4 respond to the Court's order. Dkts. 5, 7. Plaintiff was directed to file a response to the Court's
5 order on or before December 28, 2018. Dkt. 7. The Court again warned Plaintiff that if he failed
6 to respond to the Court's order by May 10, 2019, the Court would recommend dismissal of the
7 case. *Id.* Plaintiff filed the proposed amended complaint on December 26, 2018. Dkt. 9. On
8 January 7, 2019, plaintiff a notice of change of address. Dkt. 11.

9 On February 22, 2019, the Court entered an order directing plaintiff to file a new motion
10 for leave to proceed *in forma pauperis* because plaintiff's notice of change of address indicated
11 that he was no longer incarcerated. Dkt. 12. The Court directed plaintiff to submit the necessary
12 forms and documentation to proceed IFP as a non-prisoner by March 15, 2019. Dkt. 12. Plaintiff
13 failed to respond to the Court's February 22, 2019 order, submit the necessary forms to proceed
14 IFP, or pay the filing fee. *See* Dkt.

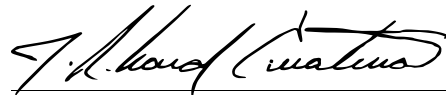
15 On April 18, 2019, the Court ordered plaintiff to show cause by May 15, 2019 why this
16 case should not be dismissed for failure to follow a court order and failure to prosecute. Dkt. 13.
17 The Court warned plaintiff that failure to respond to the Court's order would result in a
18 recommendation that this case be dismissed for failure to comply with a court order pursuant to
19 Federal Rule of Civil Procedure 41. Dkt. 12.

20 Plaintiff has failed to comply with the Court's February 22, 2019 and April 18, 2019
21 orders. He has not filed a response to the orders, submitted the necessary forms and
22 documentation to proceed IFP, or paid the filing fee. As plaintiff has failed to respond to the
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1 Court's orders and prosecute this case, the Court recommends that this case be dismissed without
2 prejudice.

3 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil
4 Procedure, the parties shall have fourteen (14) days from service of this Report to file written
5 objections. *See also* Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those
6 objections for purposes of appeal. *Thomas v Arn*, 474 U.S. 140 (1985). Accommodating the time
7 limit imposed by Rule 72(b), the Clerk is directed to set the matter for consideration on June 28,
8 2019, as noted in the caption.

9 Dated this 6th day of June, 2019.

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13 J. Richard Creatura
14 United States Magistrate Judge
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